

COMMENTS on the
BUREAU of LAND MANAGEMENT

Draft Environmental Impact Statement for a

PROPOSED RECREATION AREA MANAGEMENT PLAN

for the

IMPERIAL SAND DUNES RECREATION AREA



Picture taken in open riding area just West of Roadrunner

A Joint Effort by:



Buttercup Campground



June 13, 2002

Mr. Jim Komatinsky
Bureau of Land Management
El Centro Field Office
1661 S. 4th St.
El Centro, CA 92243

RE: Comments on the March 2002 DEIS for a Proposed ISDRA DRAMP

Dear Mr. Komatinsky,

The undersigned organizations appreciate the opportunity to comment on the draft Environmental Impact Statement ("DEIS") and draft Recreation Area Management Plan ("DRAMP") for the Imperial Sand Dunes Recreation Area ("ISDRA"). We recognize the time constraints the Bureau of Land Management ("BLM") endured to produce this document and appreciate the extraordinary work of BLM staff to complete it.

The following comments are from a wide spectrum of Off Highway Vehicle ("OHV") groups. As the leading Off Highway organizations, we formed a consortium and hired a facilitator to conduct two workshop sessions. Over thirty workshop participants, representing a broad cross section of ISDRA visitors studied the documents. Through facilitated unification, the following comments are prepared to focus our greatest concerns.

This document is historical in its consensus building approach. Never before has the OHV Recreation Community been as unified in its position on such an important matter. The undersigned organizations, agreeing to all the comments contained herein, feel the BLM should realize the significance of these comments as representation of the entire OHV community.

Additionally, each organization will comment separately on specific areas of the plan most important to their group. Consider those supplementary comments as additions, not replacements, to the strategic consensus comments contained in the collaborative work now before you.

We are pleased to find continued commitment from the BLM to manage the ISDRA as an OHV recreation opportunity. We view assurances given during the CDCA planning as mitigation for eliminating OHV recreation at the Eureka and Kelso Dunes. Moreover, we firmly support, and are pleased the baseline is appropriately set at the 1987 RAMP and not the interim management prescriptions.

Although we have concern about the formula, we are glad to see recreational mitigation recognized as legitimate need within this plan. The socioeconomic and cumulative impacts to the local, regional, national, and global economies are profound.

We have long championed public education and awareness. It is our desire that commitments made in the plan will enhance the positive relationships the OHV community maintains with the BLM. The commitment to continue strong law enforcement efforts to ensure public safety and resource protection is a long-standing want of the OHV community. We offer several comments addressing the need to enforce existing laws. The south dunes need more management presence and we welcome the commitment of more resources there.

Generally, we are pleased with the direction the preferred plan proposes. However, there are several items of significant concern. Unrealistic estimates and generally inaccurate data are the basis of many proposed management actions in the preferred plan. We strongly believe the DEIS is replete with inconsistent, flawed, and unsupported data resulting in faulty assumptions and conclusions. We respectfully request and strongly believe that correction of these defects must occur before the Record of Decision becomes final.

The following points are particularly important to the OHV community. With appropriate references to the DEIS, specific comments on them and others are submitted on subsequent pages.

- The management of the Imperial Sand Dunes Recreation Area under the 1987 Recreation Area Management Plan as an OHV area has been extremely effective in protecting the natural resources and providing world-class recreational experiences and should be continued.
- We endorse Alternative #2 as the Preferred Alternative subject to the recommended modifications contained herein.
- The amount of OHV recreation historically available at the ISDRA is part of the desert wide resource and recreation balance sought in the California Desert Plan and the 1994 Desert Protection Act.
- Law enforcement issues and the “Zero Tolerance” policy at the ISDRA are being successfully addressed through a strong collaborative effort between federal, state, and local stakeholders. These stakeholders must be consulted and incorporated in any law enforcement decisions and/or implementation.
- The BLM must follow congressional intent from the California Desert Protection Act and manage the whole ISDRA, except the North Algodones Dunes Wilderness Area, as multiple use OHV recreation lands.
- No buffer zone is necessary adjacent to the ISDRA. Explicit boundaries for all Management Areas need to be well defined in the final RAMP.
- The socio-economic effects of this recreation spread locally, regionally, and across state lines.
- An understandable and site-specific equation defining recreational opportunities and recreational supply must be clearly defined and available to the public for easy evaluation. It must be “User Friendly”, easily interpreted, and consistently applied by future El Centro Office Field Managers.
- The upward trend in OHV, 4-wheel drive, and specialty-sand vehicle sales continue the increased demand for this type of recreation. The planning document must recognize this reality and attempt to maximize recreation, development, and opportunity over restriction of visitor use.

- People throughout the southwest spend currently 1.5 million visitor days in the ISDRA. This is primarily a family recreation area with great family bonding and growth opportunities available. Consequently, these anthropological and cultural values need to be more fully addressed.
- The BLM must continue to allocate adequate resources to protect public safety, resource protection, and recreation development and maintenance.
- Public involvement and education must be thoroughly addressed and encouraged within the planning process and implementation of new management protocols.
- The definition of “Camping” must be expanded to specifically reference and identify the need for “Staging” facilities to accommodate the day use OHV experience.

We look forward to working with you to incorporate these changes into the Draft Environmental Impact Statement and Draft Recreation Area Management Plan.

Please make these strategic comments part of the official record. You may direct questions about these comments to Jerry Seaver at 602-864-1788.

Thank you,

The American Sand Association
The San Diego Off-Road Coalition
The American Motorcyclist Association
The California Association of 4WD Clubs
The California Off-Road Vehicle Association
The Off-Road Business Association

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I. GENERAL COMMENTS

Inconsistencies

The mathematical inconsistencies and erroneous applications of the flawed data need to be re-addressed and clarified.

The inconsistencies found throughout the DRAMP in visitor days and visitor use days are significant. Examples are: paragraph 1.2.5, Table 4.1-1, Table 4.1-3, Page 3-8, paragraph 3.1.3.2, Table 3.1-2, Table 3.1-4 Chapter 1-1 paragraph 2, and numerous tables give different visitor numbers. Some of these numbers are carried forward to the DRAMP, as on pages 5, 43, and 55.

The inconsistencies pointed out in the comments regarding page 3-10 Table 3.1-4 and camping area size formula lead to the conclusion that the study of visitor supply and visitor services lack consistent application of facts and are based on flawed methodology.

Gecko Road

We believe Gecko Road should be extended.

In previous planning processes, the extension of Gecko Road from California Highway 78 to Interstate 8 was considered. The idea was dropped in the 1987 RAMP due to the concerns of its proximity to WSA 362. In 1994, the WSA was fully released by Congress and is no longer an obstacle to this consideration. Therefore, the WSA 362 proximity issue is now moot.

The opportunity to disperse camping and recreational impacts makes this idea worthy of reconsideration. With the proposed closing of camping in the Buffer Zone Management Area, it becomes increasingly important to provide better access to these camping areas. This route would provide enhanced administrative and emergency access to a greater area of the dunes.

Buffer Zones

We oppose the idea of buffer zones as currently used in the DEIS/DRAMP.

The word “buffer” is in itself inflammatory and descriptive of a use requiring isolation. Since there are physical barriers on all sides of the ISDRA, i.e. a canal to the West, railroad tracks to the East, a major highway to North, the international border to the South, further isolation of motorized use is unwarranted.

There is no adequate justification for buffer zones in the DEIS. At best, these should be called “no camping zones” because they fall in the same MUC class as adjacent lands with the exception of the camping restriction.

In the event that a buffer zone is adopted, route designation in those areas must be completed in an expeditious fashion. Good signage must be properly displayed and direct users to and through these areas.

Osborne Overlook

We oppose construction of a permanent facility at Osborne.

Osborne Overlook was constructed by Imperial County as a county park facility. The Overlook and the access road have been maintained with OHV Trust Fund money. This area has been a maintenance problem due to undercutting winds typical to the area. The Overlook is *the* prime view shed for both the Wilderness Area to the North and the dunes to the South.

Considering the maintenance history, it is unreasonable to recommend the construction of a permanent facility on top of a remote sand dune. Providing utilities to the site alone raises the question of cost effectiveness. If infrastructure needs can be justified and funded, they should be placed in areas of low maintenance and high visitor accessibility. Osborne satisfies neither of these qualifications.

Volunteer Use

We support increased use of volunteers.

The BLM El Centro Resource Area has a varying record of inclusion and reliance on volunteer efforts. A commitment to the use of volunteers and programs such as the Dune Patrol, the Junior Ranger Program, the Technical Review Team, and dune clean-up efforts is imperative. We strongly believe the amount of staff time expended on volunteer management and direction pays huge dividends: both in on the ground actions and management perceptions. The efforts of the organized OHV groups are underutilized due to the lack of the BLM's commitment to plan and organize volunteer support.

Technical Review Team

We recommend that the TRT be reorganized, reauthorized, and effectively used to promote the best visitor experience and resource protection available.

The most important linkage between the BLM and dune users has been the Technical Review Team. Although it was originally formed to deal with the Fee Demo Program, it should be reorganized to represent the needs of both the BLM and interested public. The TRT is best equipped to advise the BLM on enthusiasts' perspectives about maintenance, infrastructure, law enforcement, public safety, and visitor needs.

Desert Tortoise Issues

The inconsistent and inappropriate references to OHV use having any influence on the desert tortoise should be removed from the DEIS.

Section 1.3.5 indicates that 25, 600 acres within the ISDRA (east of Glamis) were closed to camping because it is "desert tortoise habitat." Desert tortoise habitat was not an issue in the lawsuit stipulation that initiated the closures to OHV use within the ISDRA. Moreover, neither the BLM nor the US Fish and Wildlife Service (USFWS) identify any of this area to be desert tortoise habitat.

Paragraph 1.3.7 (page 1-11) of the DEIS states that according to USFWS, "the ISDRA is within the range of the desert tortoise, but is not within the critical habitat for any existing or proposed reserve area."

Therefore, the closure of 25, 600 acres that was implemented on October 18, 2001 was unjustified, arbitrary, and capricious.

Due to the facts set forth above, this closure should be re-opened. Additionally, all references to the desert tortoise should be removed from the ISDRA, DRAMP and DEIS.

If any reference should remain therein, we respectfully request that those references be more clearly defined to alleviate further inconsistencies and inappropriate references relative to the desert tortoise and OHV use.

II. SPECIFIC COMMENTS

DEIS CHAPTER 2. “ALTERNATIVES FOR THE ISDRA MANAGEMENT”

Page 2-4 Section 2.1.1 Gecko Road Extension

We believe Gecko Road should be extended.

The DEIS states extending Gecko Road to provide more camping opportunities would violate the Endangered Species Act (ESA). No data is available to support this conclusion. With other camping closures implemented east of Glamis, a viable mitigation for those closures would be to extend the Gecko camping area. Even if Gecko Road is not extended, the OHV community wants more camping and staging opportunities: for example, along the canal, and many other areas of the ISDRA.

Page 2-6 Table 2-1 Commercial Vendor Limitations

We oppose the proposed vendor limitations.

The preferred alternative of the DEIS suggests that vendor operations in the Glamis area should be limited to Friday through Sunday except major holidays. Such limitations will have a negative impact on user safety since repairs, replacement, and safety equipment would then no longer be available to users who recreate mid-week.

The vendor limitation discriminates against those recreationists who work on weekends. In addition, this vendor limitation policy is in conflict with BLM’s attempt to encourage users to shift their visits to lower visitor use periods. OHV enthusiasts will be less willing to come to the ISDRA mid-week because of the lack of vendor services.

The resulting loss of vendor permit fees will have an adverse effect on the ISDRA budget.

Page 2-6 Table 2-1 “Fiscal” User Fees

The DEIS proposes a fee policy that would “*collect fees in all areas based on demand and cost recovery.*” This system would discriminate against low-income families. It is unfair to base fees on a fixed cost recovery amount to be determined by BLM. The result of such a policy would be that if the user demand decreases, this factor would necessitate the increase of fees and thus lead to lower user demand.

Page 2-13 Table 2-2 Usage Definitions

In the Alternative Comparison table in the DEIS, “low, moderate, and intense” are terms used to identify the level of OHV activity acceptable in various management areas. **These terms need to be quantified.** Low usage to an OHV enthusiast may have an entirely different meaning than it would to an environmental advocate.

Page 2-13 Table 2-2 “Gecko” and Osborne Overlook

There is no justification provided for closing the Osborne Overlook area to camping. More camping opportunities are needed in this area, not less. The OHV community understands the need to have a communications antenna and a helicopter pad at this elevated location. However,

there is no justification for using this site for a new Ranger station. The existing Ranger station is currently underutilized. It is common to find this station unmanned most of the time: even on weekends. Further, a new Ranger station on Osborne Overlook would be a serious negative impact on the view shed of this entire area.

Any impact on camping at Osborne Overlook, even that caused by the radio antenna and the helicopter pad, must be managed in accordance with the DRAMP's proposed policy of mitigating impacts to recreation in the ISDRA. More camping is needed. The Osborne Overlook area has been revamped and maintained by user supported Green Sticker funds. Thus, it should remain available to supply the much-needed camping opportunities in the ISDRA.

Use of the Osborne site during the six high use periods as a temporary command post is reasonable. However, camping should be permitted at all other times.

Page 2-14 Table 2-2 “Glamis”

If a ROS system is going to be used utilizing the designations in the draft, the appropriate use classification for the Glamis Management Area is clearly not “Roaded Natural.” The management objectives for this area must include an increase in OHV opportunities to accommodate the ever-increasing user base.

Page 2-14 Table 2-2 “Adaptive Management Area”

There is no evidence, based on science or even anecdotal, of the need to limit OHV usage in the Adaptive Management Area. This area has historically experienced a very low level of OHV activity. We believe that area should be known instead as the Central Management Area.

If a permit system needs to be implemented to “monitor usage,” this system must provide unlimited use permits until evidence, from actual monitoring, shows a need for alternative management actions. In the likely event the petition to remove the Pierson's Milk Vetch plant from the Threatened Species list is successful, there is no valid reason to limit OHV use in this area in any manner.

Further, the permit system described in the DEIS and DRAMP is fraught with additional problems. They include:

1. The proposed permit system would require a BLM Ranger to be available to issue permits every day during the year. This requirement would apply to the South Dunes area as well as Glamis. We find this unworkable, unnecessary, and wasteful of resources that could be better utilized on more worthy projects.
2. The flag system proposed to identify users with permits in the Adaptive Management Area contains many enforcement dilemmas. Flags can be re-used, counterfeited, and traded off. There is the potential for scalping. Non-OHV groups may be pre disposed to buy out all the permits. For any permitting system, a more workable monitoring technique needs to be developed and implemented.
3. Most important, any programs implemented to require user testing, permits, and/or user fees **MUST** apply to **ALL** users of the ISDRA. Further, to avoid discrimination claims, this must include hikers and non-motorized users in the North Algodones Wilderness Area as well.

Page 2-15 Table 2-2 “Ogilby”

The BLM needs to provide details on the “outreach programs” proposed for the habitat conservation and resource project referred to in the DEIS. Descriptions of impacts on OHV use and mitigation should be provided for any impacts on OHV use.

Page 2-15 Table 2-2 “Dune Buggy Flats”

The appropriate use classification for the Dune Buggy Flats Management Area is clearly not “Roaded Natural.” The management objectives for this area must include an increase in OHV opportunities to accommodate the ever-increasing user base.

Page 2-15 Table 2-2 “Buttercup”

A Ranger station needs to be located in this area to service the Buttercup and Dune Buggy Flats Management Areas. The temporary station has proved worthwhile to the thousands of visitors to this section of the ISDRA. A permanent structure will further enhance public safety as well as provide better facilities for the Rangers to provide law enforcement to the area.

DEIS CHAPTER 3. “AFFECTED ENVIRONMENT”

Page 3-7

The hypothesis of campsite size used by each group within each ROS class is not representative of current visitor patterns. This makes Table 3.1-1 inaccurately reflect the proper number of available campsites. Even casual observation of this area on high use weekends shows that camping densities far exceed six vehicles per ½ acre.

For example: Keyhole Campground in the DEIS is representative of six vehicles. In the DRAMP, the number has been lowered to five. Routinely, there are 10-12 primary vehicles camped in this area almost every weekend during the season.

The DEIS text states that Gecko Road is the primary overnight camping site. Yet, the chart describes the Gecko Road capacity as less than the Buttercup Area.

The DRAMP calls for more additions to camping pads along this road that are not included in the DEIS. Camping routinely occurs in non-pad/camping areas along both Gecko Road and Buttercup Management Area. This significant increase in normal visitor activity is not reflected in either the DRAMP or the DEIS. We believe the areas between the camping pads should be given a value and included in the capacity evaluations.

Page 3-7 Table 3.1-1 Acreage and Number of Campsites...

This section represents that Ogilby and Dune Buggy Flats would be non-motorized camping areas and there would be camping in the adaptive management area, something not reflected elsewhere in the DEIS. There appears to be a mistake in this chart, and this confusion needs clarification.

Page 3-8 Section 3.1.3.2 Recreation Visitation

This section states: *“Ninety percent of the visitors to ISDRA are associated with OHV recreation. The remaining 10 per cent are largely associated with non-motorized recreation in the North Algodones Dunes Wilderness (Haas, 2002)”*

There is no basis of fact in support of this statement and therefore it should be corrected.

Page 3-9 Table 3.1-2 ISDRA Visits...

Visitation numbers seem highly suspect with several holiday weekends being recorded at 107,639 and several at 16,231 visitors. The 867,753 total visitations seem to have a gross discrepancy to actual visitorship.

We recognize the difference between a visitor and a visitor use day. Page 5, paragraph 3 of the DRAMP states that in excess of 3 million visitor use days occur in the ISDRA annually. This would mean that the average length of stay would exceed 3 days per person per visit, a seemingly unrealistic number. We request a clarification of the exact meaning and length of stay of a visitor use day (12 vs. 24 hrs, for example; 30 minute rule; etc.). In addition, there needs to be further mathematical presentation to show how the final numbers were determined.

Page 3-9 paragraph 4

This paragraph references 197 days in a season. The dune season varies annually based on climatic conditions, school schedules, and economic conditions. Moreover, dune enthusiasts have discovered the dramatic difference between the cooler and hotter months. Many prefer riding at night during the summer while sleeping during the day thus providing a very new and distinct dune experience. **Therefore, we suggest the season be considered 365 days.**

Page 3-10 Table 3.1-3 Campsite Occupancy Rate...

The campsite occupancy rate listed does not reflect dispersed camping opportunities throughout the ISDRA and therefore does not represent 100%+ of actual visitor capacity. During busy weekends, dispersed camping makes up a large number of the visitors. This needs to be factored into all formulas or calculations.

Page 3-10 Table 3.1-4 Visitor Capacity...

The visitor capacities represented for Ogilby and the Dune Buggy Flats are grossly underestimated. Additionally, there appears to be an error in designating the two areas as non-motorized.

DRAMP, page 43 uses similar numbers for Gecko and Buttercup as in the DEIS but then the numbers change drastically for Glamis, Ogilby, Dune Buggy Flats, and Mammoth Wash. The capacity estimates are vastly different between the two documents. For example: the capacity for the Glamis Management Area in Table 3-1.4 is 76,125 but 12,688 on Table 2, page 43 of the DRAMP. This equals just less than 17% reported in the DRAMP vs. the DEIS.

The numbers reported in the DRAMP for the Mammoth Management Area are 5% of that reflected in the DEIS. If we only double the amount in the DRAMP specified for Ogilby and Dune Buggy Flats that number is 21,036. This should be reflected in Table 3.1-4 for those

respective areas. With the addition of this 21,036 to the 133,769 reflected in Table 3.1-4 the DEIS would reflect a total visitor capacity of 154,805.

The total number reflected in the DRAMP Table 2 page 43, reflects approximately only 41.4% of the capacity of the DEIS.

DEIS and DRAMP page 40 paragraph 2

If ROS is adapted, a more definitive explanation of triggers, total capacity, and formulas need to be explained using clear mathematical equations.

Page 3-15 paragraph 3

It is among the goals of the CDCA to provide protection for rare and endangered species through extensive monitoring. However, until it is proven and peer reviewed based on good science that OHV use is adversely affecting sensitive species, restrictions on access to open areas, as “open areas” are defined in the 1987 baseline, are unnecessary and not required.

DEIS Preferred Alternative #2 Monitoring DRAMP Appendix 1, page 1

It is our recommendation that any monitoring methodology and protocol be required to obtain positive peer review before implementation. The subsequent results of this monitoring should also require the same positive peer review to ensure scientifically valid results.

DEIS CHAPTER 4. “ENVIRONMENTAL CONSEQUENCES”

Visitor Use & Supply

Page 4-3 Table 4.1-1 Visitor Use Projections (2002-2003 to 2012-2013)

According to this section, a “visit” occurs when one person stops at the ISDRA to engage in any recreation activity, whether for a few minutes, a full day, or more.

We believe tour bus stops or anything that would generally be regarded as a casual instance should not be counted towards visitor supply. Generally, stops of this nature do not utilize any camping resources and should not be considered utilization of the visitor supply.

As a possible solution, the BLM should consider the possibility of requiring the purchase of a day use permit that would not be counted towards visitor supply.

Page 4-70 Section 4.6.2.2 Recreation Opportunity Spectrum

“Change in ROS Designation

Implementation of this alternative would allow more intense use in the following areas, when compared to the baseline condition:

- *Dune Buggy Management Area*
- *Ogilby Management Area*

Implementation of this alternative would allow the same to a little more intense use in the following areas, when compared to the baseline condition:

- *Adaptive Management Area—allowing motorized use where it potentially does not exist, as*

part of the baseline condition.

- *Gecko Management Area—allowing roughly the same, to a little less, intense recreation use in the northern portion, and more intense use in the southern portion.*
- *Buffer Zone—allowing motorized use where it potentially does not exist, as part of **the** baseline condition.*

Implementation of this alternative would allow roughly the same level of use in the following areas, when compared to the baseline condition:

- *Glamis Management Area, allowing less intense use in the northern portion, and the southern portion would allow more intense use.”*

As stated in the DEIS, the “baseline condition” is defined and recognized as “prior to interim closures”. Implementation of the ROS designations of these various areas, consistent with Alternative 2 would in fact not allow use or increased use that did not exist before the interim closures.

Before the interim closures, these areas were historically used moderately to extensively by OHVs. **Therefore, an increase in usage or new usage as stated in this section is incorrect.**

Implementation of the proposed Adaptive Management Area would have an adverse affect on the visual resources by allowing fewer recreationists at one time to view the inner dunes.

It is the consensus of the OHV community that application of ROS delineations to the ISDRA is inappropriate. We suggest either dropping the concept or redefining the designations to more closely fit recreation needs at the ISDRA.

Cultural Resources

Page 4-79 Sections 4.6.2 and 4.8 Cultural Resources: Impacts

“Due to limitations in the existing data; this approach does not take into consideration resource significance, site type and complexity, or variations in resource densities.”

Without this inventory being complete, it is then difficult to stipulate that cultural resources exist in the ISDRA area, especially resources that need or warrant protection. Many special interest groups may lay claim to such resources in order to forward their views or agenda. It is in the best interest of all parties, for generations to come, that an accurate survey and catalog be performed.

This survey should be based on facts instead of anecdotal hearsay. It should also be noted that according to Chapter 3, the majority of cultural resources done by slice survey techniques reside in current open areas.

Page 4-80 Section 4.8.3 Mitigation Measures

“None required.”

The BLM is required to meet the National Historic Preservation Association requirements in order to have cultural resources and the impacts of the various alternative plans addressed in the

DEIS/DRAMP considered before implementation. Without accurate inventories and cultural value and significance being ascertained, impact and mitigation assessments cannot be assigned.

Air Quality

Page 4-82 Section 4.9 Transportation and Traffic, Table 4.9-2 Peak Hour Distribution

The establishment of baseline visits and vehicle counts require an accurate assessment based on historical data that depicts traffic and visitor patterns at the ISDRA. Making assessments and plans utilizing the accepted methods for parks and recreation areas located elsewhere in the US should not be accepted.

The ISDRA recreation experience is uniquely different from any other area. The amount of visitors, seasonal variations, and the vehicle pattern profile must be accurately modeled and considered to adequately plan future recreation and management at the ISDRA.

Vehicle counters that were used do not accurately count a vehicle or tow platforms, nor does it take into account the repeated trips in a single day by Rangers, primary vehicles making trips into town, vendors, etc.

Furthermore, counters along the freeways and state routes count the number of vehicles that pass by, not the vehicles and people who are actually making a visit. In addition, exit ramp counters should not be utilized. There are several places a traveler may stop to buy refreshments or utilize the restroom facility. This does not constitute a true ‘visit’ to the ISDRA. Visitors that count toward the “visitor count” should be those that stay for more than 24 hours.

Many people that accompany OHV enthusiasts do not operate an OHV during their stay. These visitors should not be counted toward the carrying capacity of the open riding areas. Lumping these persons along with OHV operators gives a false figure when determining OHV use and emissions.

Page 4-88 Sections 4.11.1.1 and 4.11 Air Quality: Vehicle Types

“Emissions were calculated by multiplying off-road emissions by the estimated number of OHVs in operation – The estimated profiles are based on the concept of peak OHV activity – Operational profiles are not available for these OHV activity over the course of an entire day – It was assumed that each OHV would operate 6 hours per day.”

An accurate vehicle count and operational profile is not depicted here. Data was based on an OHV emissions model that is several years old, while current OHV emission data is available from the California Air Resource Board (CARB).

Typically, there is not a one to one distribution of OHVs per person. A great many people who travel with OHV operators do not themselves operate an OHV. Therefore, an accurate count of OHVs, the amount of emissions produced daily, and the cumulative effects within a single year, must be based on a more accurate and realistic OHV vehicle count.

The concept that a “peak OHV activity” is equal to six hours per day per vehicle leads to a greatly increased emissions count. It is rare for the casual recreationist to operate their OHV in

excess of 3 hours per day. The dune experience consists of traveling as a group, taking in the sights, and going from one major location to the next. The operation of an OHV in excess of the three-hour period will typically be found only at sanctioned off-road races that occur in other states and counties. Additionally, no studies were performed to determine the actual time an OHV is operated on a daily basis.

In addition, the recent increase in four-stroke OHVs and motorcycles should be taken into account when establishing this emissions profile. This inaccurate vehicle operational profile and emissions model makes the data contained within Section 4.11, Air Quality, and Appendix C, Air Quality Data erroneous and extremely negative towards the OHV community.

What is NOT depicted is the amount of emissions that have been measured by the EPA, CARB, and the ICAPCD that are a result of heavy equipment, construction projects, and agricultural burnings. Recent data obtained from CARB show that there is no established emissions model for PM10. There are no accepted regulations concerning the level of PM10 or PM2.5. In fact, PM2.5 and PM10 data is variable, due to the different types of terrain, the moisture present in the soil, and the variety of tires that are utilized by OHVs.

Page 4-89 Section 4.11.1.2 Motorized Vehicle Generated Dust

“The principal amount of concern emitted by motorized OHV is PM10... It should be noted that most of the PM10 emissions are from wind erosions, which are a major source of PM10 emissions throughout the ISDRA.”

These statements are contradictory in nature. The PM10 issue is raised in order to set the table for the presentation of vehicle numbers, visitors in the ISDRA, and the amount of PM10 caused by these visitors. Numbers that follow are flawed due to inaccurate visitor counts, inaccurate vehicle counts, inaccurate vehicle type representation, and an OHV vehicle activity profile that is inconsistent with the OHV community’s collective opinion.

It should be noted that the ISDRA is over seven miles from any designated sensitive receptors. Yet, it is stated that the Imperial County Air Pollution Control District (ICAPCD), in conjunction with the EPA’s de minimis conformity thresholds, are going to be rapidly exceeded as the number of visitors to the ISDRA increase by 5% annually.

Our concern is that since the number of OHV vehicles and their emission rates have been profiled incorrectly, the de minimis levels are shown to be exceeded far more rapidly than what is actual: if at all. Additionally, as previously stated, CARB has stated that there are no accepted regulations concerning PM10.

Page 4-101 Section 4.11.3 Mitigation Measures (air quality)

“Suspend all operations when wind speeds (as instantaneous gusts) exceed 25 mph.”

This is not reasonable. The term “all operations” needs to be defined. This measure should be removed for the following reasons:

- The predominant source of dust would be due to the wind and any incremental contribution by OHV operations would be insignificant;

- Most OHV operators choose to “wait out” high winds back at camp due to the lowered visibility, the “sandblast effect” on their person and equipment, and the “ghost dune effect”¹
- When the sand is damp, almost no sand is thrown into the air (Easter ‘02). OHV operations will not contribute any more to air quality issues than the wind in those circumstances.

It would be impossible for OHV emissions to be measured in these conditions since what little is produced is dissipated into the wind.

Appendix C Air Quality Data

Data presented in this section does not match data that is listed in Section 4.11.

- Page C-5/6 Loaded weight given to a 4-wheel ATV is 1 ton, definition of an ATV in Glossary of DEIS is a “three or four-wheeled vehicle equipped with low-pressure tires and a seat straddled by the rider”. The average weight of a full size ATV is closer to 330 pounds, with an average rider being 165 lbs; the total being 495 lbs. equates to a ‘J’ factor of .2475 (of a ton) loaded and .165 unloaded.
- For buggies, which are not listed, the average weight should be approximately 1,300 lbs. x 2.5 riders at 165 lbs., equaling a ‘J’ factor of .815 for loaded, or .65 for unloaded.
- There should be no PM10 factor assigned to unloaded vehicles that are not in operation.
- Motorcycle loaded weight is listed at 700 lbs. The average loaded weight should be 415 lbs. These weights are for full-sized ATVs and Motorcycles used at the ISDRA. However, this does not take into account the smaller versions used, some of which only weigh 150 lbs with the rider weighing around 40 lbs.
- ATVs are listed as having 125 HP. No ATV manufactured to date, even with modification, possesses more than 50 HP. ATVs that operate in excess of 50 HP would be specialty ATVs used for tractor pull and drag racing, and would not typically be found at the ISDRA. The same can be said for Motorcycles.
- Loaded percentile is listed as 100%, along with operating for 6 hours per day. This was previously covered. With all the errors, the entire data contained within Appendix C is virtually useless.
- PM10 emission rate is variable. The rate produced by a single vehicle would vary as it crosses different terrains, uses different tires and at different speeds. Furthermore, the atmospheric and soil moisture content would also contribute to a highly variable PM10 rate.

DEIS CHAPTER 5. “CUMULATIVE EFFECTS”

Page 5-4 Section 5.2.4.4

1: The ghost dune effect occurs when winds at high-speed blow sand from the tops of dunes sufficiently enough to create the illusion that there is solid ground where there is, in reality, only suspended sand particles in the air. This illusion leads to an OHV operator driving off a slip face into midair. It is well known this effect can cause serious injury. Thus, most dune enthusiasts avoid riding in such conditions.

States: *“the regional economy in the CDCA would be adversely affected.”* This section addresses only the reduction of visitors that would result in the California District Conservation Area (CDCA) if project alternatives were implemented. It glosses over the real cumulative socioeconomic impacts.

In November of 2001, over 800,000 acres in the CDCA were closed to OHV use. More recently, 20% of all trails in the Rands area of the CDCA were closed to vehicular use. Any plan for the ISDRA that has a potential impact on OHV use needs to address the incremental impact on OHV recreation within the CDCA.

To emphasize this point: if the ISDRA was the only OHV area left in the CDCA, even minor constraints to OHV use in the ISDRA would be considered devastating, percentage wise, to OHV recreation. Therefore, ignoring cumulative socioeconomic impacts resulting from actions across the CDCA is a major shortcoming of the DEIS.

Furthermore, the Federal regulations under NEPA indicate that *“when preparing an EIS on broad actions... agencies may find it useful to evaluate the proposal(s) in one of the following ways:*

1. *Geographically, including actions occurring in the same general location, such as a body of water, region, or metropolitan area.*
2. *Generically, including actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter.” 40 CFR sec. 1502.4 (c)*

III “SOCIOECONOMICS”

Page 3-48 Section 3.4.1

“Introduction” Par 1 states: *“For purposes of the socioeconomic analysis, the study area includes Imperial County, California, and Yuma County, Arizona.”* Par. 2 states: *“the majority of the socioeconomic impacts associated with trips to the recreation area are assumed to stay within Imperial County where the dunes are located with some spillover occurring in Yuma County, Arizona.”*

The first bullet point on Pg. 4-29, Section 4.4.1, “Assumptions and Assessment Guidelines” states: *“The regions of influence for the economic impact analysis are Imperial County, California and Yuma County, Arizona.”* This inconsistency needs to be corrected, properly evaluated, and addressed.

Considering socioeconomic impacts only in Imperial and Yuma Counties is a serious, shortcoming in the DEIS. To illustrate this point, one only needs to consider the socioeconomic impact that would result if the ISDRA were totally closed to OHV use. The economic impact in Imperial and Yuma Counties would be significant, but miniscule compared to the impact on the economies of California, Arizona, and Nevada.

For example, the current contribution to the economy of California from the Off Highway Recreation Industry is estimated to be over \$6 BILLION dollars. The ISDRA is, unquestionably, the most popular OHV area in Southern California, possibly in the USA. The amount of OHV equipment manufactured in California would be drastically reduced. The impact on the already-suffering California economy would be devastating. Many successful OHV-related companies would be driven out of business. The DEIS is severely deficient in, and falls short of, a valid analysis of far-reaching socioeconomic impacts.

Furthermore, Federal law requires that these indirect impacts be considered:

- **NEPA** regulations define environmental “effect” to include the following: “Ecological... aesthetic, historic, cultural, economic, social, or health, whether direct or indirect.” 40 CFR sec. 1508.8 (b).
- Under **NEPA**, the agency must include all relevant information regarding impacts. However, if such information is too difficult or expensive to obtain, the agency must explain why this is so. 40 CFR sec. 1502.22
- Under **FLPMA**, the Secretary of the Interior, when developing or revising land use plans, “shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.” 43 USC sec. 1712c (2).

- **FLPMA** also expressly recognizes that the CDCA contains ...
“recreational...resources that are uniquely located adjacent to a large population.”
43 USC sec. 1781a (1).

Page 4-29 section 4.4.1 and Page 4-70 section 4.6.2.2 Assumptions and Assessment Guidelines

states: “*No adverse socioeconomic impacts are expected to occur as a result of implementing any of the alternatives.*” This is incorrect.

Any measures that limit OHV activity below current baseline conditions, such as those proposed in BLM Preferred Alternative 2, will have a negative socioeconomic impact to the surrounding areas of Imperial and Yuma as well as communities local to the OHV user.

This section assumes that Arizona residents spend approximately 60 percent of their trip expenditures at home. Of the remaining 40 percent, 30 percent is spent in Yuma and 10 percent in Imperial County. No reference is made to any study or data that supports this assumption. There is also no reference to any study or data relating to expenditure percentages of California residents. Such studies and data are needed to produce an accurate picture of local and non-local expenditures.

Page 4-29 Footnote 2

states: “*Expenditures on capital goods are not included because (1) these goods are mostly likely purchased in the visitors’ home county /state (in which case none of that money finds its way into the local economy of the recreational area) and (2) there is no easy way of splitting the cost among the various recreation trip destinations.*”

Nonetheless, some portion of those expenditures is ISDRA related. Many dune users purchase these goods because of the ISDRA: they would not have made the purchase otherwise.

IV. “LAW ENFORCEMENT AND PUBLIC SAFETY”

General Comment

As the demographics of a small minority of the ISDRA users began to change to a younger, partying, spectator group, the BLM was slow to respond with appropriate actions.

The lack of law enforcement presence fostered a greater gathering of this type of individual. The traditional dune visitor, i.e. families and small groups of OHV enthusiasts, became disenfranchised, embarrassed, disgusted, and cautious in their interactions with this new group. Further, the traditional user is outraged by being demeaned both by the press and in the DEIS as supporting or participating in these illegal activities

The formulation of the Technical Review Team (TRT) and Fee Demonstration Program as well as a new emphasis from the Area Manager started a new era of law enforcement activity within the dunes. Among the first motions passed by the TRT, was to strongly recommend that the BLM enter into a cooperative agreement with the Imperial County Sheriff and work with the California Highway Patrol and Border Patrol to create an interagency response to law enforcement issues in the dunes.

Through the BLM State Office and the California Off Highway Motorized Vehicle Program (OHMVRP), the El Centro Resource Area was able to secure additional law enforcement dollars. More officers were hired, more equipment was purchased, and a stronger relationship between the other law enforcement agencies in the area became a reality.

A combination of appropriated funds, demo fee funds, and California OHV Trust Fund dollars are used to bring this interagency response to full funding and full readiness. The purchase of law enforcement sand travel vehicles, a better communication system, and emergency medical training greatly enhanced public safety, adherence to the law, and resource protection within the ISDRA. **It is incumbent upon the BLM to secure appropriated funding for the continued support of this law enforcement effort.**

At the January 2002 OHMVR Commission meeting, the Imperial County Sheriff stated that with the current level of funding and interagency cooperation, there are adequate resources to restore law and order to the ISDRA if allowed to work. Recent BLM press releases highlighted the great work and positive results of the “Zero Tolerance” effort during the four holiday periods in the first half of 2002.

Recent Off Highway Motor Vehicle Recreation (OHMVR – green sticker) law enforcement grants to the Imperial County Sheriff resulted in increased involvement of the Sheriff at the ISDRA. Since then, a definite reduction in lawless behavior has been documented by the BLM. Enacting a County ordinance for crowd control and assigning the County Sheriff lead for law enforcement would continue to enhance public safety. **We recommend such an ordinance.**

History has shown that when offenders are cited under federal regulations for minor infractions, they “evaporate” in the judicial process before any fine or sentence is determined. Federal

magistrate courts are simply not interested in, and do not take the time to pursue, BLM citations. This only adds to the continued mockery of the legal system by the scofflaws.

Citations written for violations of local ordinances prove to be more effective than Federal citations written on BLM Supplemental Rules since offenders are required to return to Imperial County to have justice served. Most citations at the ISDRA should be written on state or county statutes.

It is our recommendation that, after consultation with the Imperial County Sheriff and Imperial County Board of Supervisors, the BLM request passage of a county ordinance allowing the Sheriff discretion on these issues.

Recent interest and commitment by the Imperial County Board of Supervisors and County Sheriff have given needed focus to public safety. With the financial component critical to this commitment, the OHV community can once again enjoy the experience they seek at the ISDRA.

CURFEWS AND ALCOHOL BAN

We do not support area curfews or the prohibition of alcohol outside the camping areas.

We request the BLM simply enforce existing state OHV laws relating to alcohol consumption and possession within the spirit of the law.

We find no justification in the document for either of these harsh management steps. The implementation of either of these would be extremely difficult, potentially taking more law enforcement personnel than simply enforcing current laws under current conditions.

Page ES-5 Table ES-2

The proposed curfews are premature. The recent controls (pinch points) coupled with the “Zero Tolerance” program are effective. The BLM should concentrate on removing the unsavory and lawless behavior by the minority of the ISDRA visitors.

Curfews would potentially drive the law enforcement problems to new locations deeper in the dunes. All the current evening gathering locations are accessible by 4x4 street legal law enforcement vehicles. They are also known areas of congregation easily identified in communication between the public and law enforcement, and internal law enforcement communications. To displace this activity instead of controlling it would add new public safety and resource protection issues that would need to be dealt with throughout the ISDRA and other locations in Imperial County.

Page ES-5 Table ES-2

At the Feb. 11, 2002 OHMVR meeting, the BLM proposed a ban on alcohol. Imperial County Sheriff Carter responded to the proposal stating: "We need to let the law enforcement plan work before implementing any new rules."

The ban on alcohol outside of the camping areas is not warranted. There are no other alternatives evaluated. The “Zero Tolerance” program must be given an opportunity to work.

The fact that the “Zero Tolerance” programs worked over the last several large holidays should be considered.

The definition of “ban” is unclear whether this is possession and/or consumption. All state and county alcohol regulations apply off highway as well as on highway: “drunk and disorderly” and “drunk in public” are applicable in the ISDRA. Adequate laws are already on the books. In fact, the OHV community championed the applicability of these laws to off highway areas.

Moreover, this could lead to an increase in trash out in the dunes. Since open containers can be used as evidence, they are more likely to be discarded as soon as they are emptied. Drinking in camp may also increase.

We therefore recommend that *if* curfews and an alcohol ban become part of the RAMP, the elements of adaptive management be used in their implementation. The DEIS is woefully inadequate in discussing potential management actions, alternatives, conditions of application, conditions of removal, involvement of the public, and involvement of other law enforcement agencies.

Our recommendation includes requiring the approval of all law enforcement agencies and the TRT law enforcement subcommittee to determine the appropriate application of any new regulations. While **curfews and alcohol bans** are legitimate law enforcement tools, we view both management prescriptions to potentially produce more negative consequences than positive results.

We support the adaptive management concept, as we understand it. However, it is unclear exactly what is meant by the term “adaptive management.” Clarification and definition is needed.

LAWLESS BEHAVIOR

The DEIS includes numerous references to the need to enhance public safety at the ISDRA. The Executive Summary Background statement on page ES-2 denotes that *“The type and level of OHV use, in particular, must also be carefully managed to create an environment that promotes the health and safety of visitors, employees and nearby residents.”*

There are many references to “lawless behavior.” In general, the language of the DEIS paints all ISDRA visitors with the same brush. The DEIS ignores the cultural changes occurring in our society which greatly contribute to the lawless behavior attributed to the minority of ISDRA visitors. This problem is not unique to the ISDRA and is prevalent in other forms of recreation and at many public gatherings and events.

The DEIS identifies the law enforcement concerns but does not provide a plan to solve the problems. The proposed curfews and alcohol ban ignore the recent success of the “Zero Tolerance” program. The DEIS contains no information to justify these proposed Management Actions set forth in Table ES-2.

While the DEIS suggests the creation of a law enforcement cooperative team there are no provisions for direct citizen participation in planning and stewardship management as proposed in the recent April 24, 2002, Department of Interior news release. In this release, Secretary Norton “promoted the use of land use planning as an illustration of her management philosophy.” Secretary Norton continued by noting that planning for the management of National Monuments will be a model of “what I call the Four C’s: Consultation, Cooperation, and Communications, all in the service of Conservation .” Since the ISDRA has been identified as a “World Class” Motorized Recreation opportunity in the DEIS we assume that the Secretary’s “management philosophy” would apply to the ISDRA.

Page ES-5 Table ES-2

Posting of speed limits in the camping areas is needed. However, the DEIS does not indicate that the required equipment (i.e., RADAR guns) and training will be provided to enforce the speed rules. Previous discussion with BLM and Imperial County Sheriff’s Office (“ICSO”) has indicated that this has been a limitation.

This is where the OHV community could work in conjunction with law enforcement to install speed signs and educate the visitor population at large. The distribution of handouts could help to discourage speeders and remind people of other possible violations of which they may not be aware.

Page 1-13, #2

The phrase “*general unruliness of some dune enthusiasts*” is an example of the mischaracterization of the majority of ISDRA visitors. The majority of the unruly visitors are not dune enthusiasts per se. Many of the unlawful visitors do not possess equipment capable of OHV dune activity. **This kind of characterization of the OHV community is prevalent throughout the DEIS and should be removed.**

Page 1-15 #8

The acknowledgement that “*The need to develop an educational program to raise the level of awareness...*” is a major component of the law enforcement program and is appreciated.

This program must include a well-planned signage program. **The suggested compliance monitoring and associated adjustments in law enforcement programs should be applied to all public safety concerns and must precede the enactment of additional supplemental rules.**

Pages 3-40 thru 3-47

The supporting data for this section of the DEIS does not provide justification for the Management Actions proposed in the DEIS or the DRAMP.

Page 4-55 Section 4.4.2.8

The statement that “*Many of these visitors are often engaged in illegal activities and public disturbances*” is degrading and inaccurate. In fact, the lawless element is only a very small minority of visitors to the ISDRA, many of which are not dune enthusiasts. **This inflammatory statement is incorrect and this should be removed from the DEIS.**

PUBLIC SAFETY

Page 3-45 Table 3.3-4

lists a zero quantity under 911 call stations in the dunes campgrounds. A zero quantity is defined as something that has been identified as equipment needed by BLM staff. **We fully support installing 911 call stations where feasible**

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